

# **Exhibit C to Rabenstein Declaration**

Rebecca L. Rabenstein  
Direct Dial: (202) 637-2353  
rebecca.rabenstein@lw.com

555 Eleventh Street, N.W., Suite 1000  
Washington, D.C. 20004-1304  
Tel: +1.202.637.2200 Fax: +1.202.637.2201  
www.lw.com

## LATHAM & WATKINS LLP

June 25, 2020

### VIA EMAIL

Timothy R. Shannon  
One Portland Square  
Portland, ME 04101-4054  
(207) 253-4622  
tshannon@verrill-law.com

### FIRM / AFFILIATE OFFICES

Beijing	Moscow
Boston	Munich
Brussels	New York
Century City	Orange County
Chicago	Paris
Dubai	Riyadh
Düsseldorf	San Diego
Frankfurt	San Francisco
Hamburg	Seoul
Hong Kong	Shanghai
Houston	Silicon Valley
London	Singapore
Los Angeles	Tokyo
Madrid	Washington, D.C.
Milan	

Re: Astellas Institute for Regenerative Medicine v. ImStem Biotechnology, Inc., et al., No. 1:17-cv-12239-ADB (D. Mass.)

Dear Tim,

We write to coordinate on trial logistics prior to the Pretrial Conference. From previous communications, Defendants represented that Dr. Xiaofang Wang is currently located in the United States, Dr. Ren-He Xu in Macao, and Mr. Michael Men in mainland China. Please confirm (1) that Dr. Wang will be testifying while in the U.S. and (2) if Dr. Xu and Mr. Men, both U.S. citizens, have any plan to return to the U.S. to testify at trial in September. If any of Defendants' witnesses will be outside the U.S. at the time of trial, please explain (3) how Defendants expect to have them testify remotely, from where they will be testifying, and under what legal authority they may do so, including that of the country from which they will be testifying.

We appreciate that conditions concerning the COVID-19 outbreak may continue to change in the interim leading up to trial. However, regardless of whether the trial will be conducted completely remotely or at least partly in the courtroom, it is critical for the parties to be aware of the locations from which each witness will testify for logistical planning purposes, as well as to ensure that those testifying from outside the U.S. can properly testify at trial in compliance with any foreign government rules.

Given the need to plan ahead for the logistics of this trial, and that you must have already looked into these issues prior to your representation to the Court that at least some of your witnesses will be appearing remotely from overseas, we appreciate receiving your response by Friday, July 10, 2020.

Best regards,



Rebecca L. Rabenstein  
of LATHAM & WATKINS LLP

cc: Counsel of Record